

FILED

Oct 13 2015

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY s/jessica DEPUTY

NUNC PRO TUNC

10/8/2015

1 Clarice Tuck
2 1600 E. Vista Way #110
3 Vista, CA 92084
4 Ph: 760-724-9439

Plaintiff In Pro Se

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 CLARICE TUCK,) CIVIL ACTION NO. 15CV1376 JLS JLB
11 Plaintiff,) PLAINTIFF MOTION TO EXTEND TIME
12 vs.) Fed.Civ.R 6(b)(B)
13 GUARDIAN PROTECTION SERVICES, INC.) FOR EXCUSABLE NEGLECT FOR TIME
CHARLES D. SCHOLZ, Division Council,) TO OPPOSE DEFENDANT'S MOTION
DOES 1-25,) TO DISMISS 12B6 FOR FAILURE TO
STATE A CLAIM AND RESET CASE
MANAGEMENT CONFERENCE
15 Defendant's,

16 Comes now, CLARICE TUCK, Plaintiff In Pro Se in the above-entitled case does
17 timely move this honorable court for a motion to extend time to respond pursuant to
18 Fed.Civ.R. 6(b)(B), Fed. Civ.R.7(b)¹.

19 I, CLARICE TUCK, the Plaintiff in the above-entitled case was to file my
20 Opposition to Defendants's Motion to Dismiss for Failure to State a Claim 12B6
21 by October 8, 2015 by order of the court. I, the Plaintiff, would now timely request the
22 honorable court to extend out my time to file my Opposition to Defendant's Motion to
23 Dismiss for Failure to State a Claim 12B6 to the date of November 13, 2015, and further
24 requests the court's scheduling calendar be adjusted as the court deems proper.

25 I, CLARICE TUCK the Plaintiff am almost 87 years old and I am asking the
26 assistance of my son (Roy Tuck) in the preparation of these filings.

27 ¹ Rule 6. Computing and Extending Time; Time for Motion Papers
28 (b) Extending time.

(B) on motion made after the time has expired if the party failed to act due to excusable neglect.

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SOUTHERN DISTRICT OF CALIFORNIA
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Court Copy

1 Attached hereto and incorporated herein by reference is a brief in support of this
2 Motion to Extend Time, with a detailed prayer for specific relief requested.

3
4 *Clarice Tuck*
5 CLARICE TUCK

6 **PLAINTIFF'S MOTION TO EXTEND TIME**
7 **NOTICE OF HEARING**
8 **Federal Civil Rule R.7**

9 Unless this court deems otherwise, this hearing date for said Motion will be set for
10 hearing on Friday November 6, 2015 at 9:00 a.m. and a response hereto will be set for
11 seven (7) days after this hearing date or Friday November 13, 2015.

12 *Clarice Tuck*
13 CLARICE TUCK

14 **BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO EXTEND TIME**

15 Plaintiff timely brings this Motion to Extend Time to File her Opposition to
16 Defendant's Motion to Dismiss for Failure to State a Claim 12B6 by November 13, 2015,
17 and to have the hearing on this matter held on November 6, 2015 as ordered by the court.
18 This motion is timely, not meant to delay nor cause any prejudice or harm to another party.

19 **ARGUMENT IN LAW**

20 **1. Fed.Civ.R.6(b)(B) states:**

21 Computing and Extending Time; Time for Motion Papers;(b) Extending Time; (B)
22 on motion made after the time has expired in if the party failed to act because of excusable
23 neglect. Plaintiff if elderly and is in need of her sons assistance in preparing filings.

24 **PRAYER**

25 Plaintiff respectfully moved this honorable court to grant Plaintiff's Motion to
26 Extend Time because of excusable neglect as a "matter of law"

27 Signed this ____ day of October 2015

Respectfully submitted,

28 *Clarice Tuck*
CLARICE TUCK Plaintiff "In Pro Se"

PROOF OF SERVICE

The undersigned declares as follows:

I am a resident of the County of San Diego, State of California, and at the time of service I was over 18 years of age and not a party to this action. My address is
1600 E. Vista Way, #85, Vista, CA 92084

On October 8, 2015 I served the following document(s) described as:

PLAINTIFF's MOTION TO EXTEND TIME

I served the documents on the persons below, as follows:

Robert M. Linn (SBN 190387)

Robert M. Ehrn (SE)
625 Liberty Avenue

Pittsburg, PA 15222-3152

rlinn@cohenlaw.com

412-297-4900

412-209-0672 (fax)

(BY MAIL) I placed said document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, and placed such envelope in the United States mail at Sonoma County, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 8, 2015 at Vista, California.

Roy Tuck

(Type or Print Name of Declarant)

Ray Tuck
(Signature of Declarant)